

Exhibit 3

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EZ Gard Industries, Inc.,

Plaintiff,

vs.

XO Athletic Co.

Defendants.

Civil No. 07-cv-04769 (JMR/FLN)

CONSENT JUDGMENT

The Parties having considered the facts and applicable law and having agreed to the entry of this Judgment, it is therefore found, adjudged, and decreed as follows:

FINDINGS OF FACT

1. Plaintiff Shock Doctor Inc. (f/k/a "EZ Gard Industries, Inc.") is a corporation organized and existing under the laws of Minnesota, with a principal place of business at 3300 Fernbrook Lane Suite 250, Plymouth, MN 55447.
2. Defendant XO Athletic Co. ("XO Athletic") is a company organized and existing under the laws of New Jersey, with a principal place of business at 911 Springfield Road, Union, NJ 07083.
3. On August 23, 1994, United States Patent No. 5,339,832 (the "'832 patent"), entitled "Thermoplastic Mouthguard with Integral Shock Absorbing Framework" was issued to Shock Doctor as assignee and owner of all right, title, and interest in the patent.
4. Shock Doctor brought this action against XO Athletic for (1) infringement of the '832 patent with respect to the mouthguards depicted in the drawings attached as Exhibits 1 and

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2 to this Judgment and (2) tortious interference with and inducement of breach with respect to the employment agreement between Shock Doctor and its former employee Paul J. Andre.

5. On April 23, 2008, this Court granted Shock Doctor an Order preliminarily enjoining defendant XO Athletic from certain activities with regard to the mouthguards depicted in the drawings attached as Exhibits 1 and 2.

6. XO Athletic appealed the Court's April 23, 2008 preliminary injunction Order to the Federal Circuit and that Order was affirmed in its entirety on December 15, 2008.

7. XO Athletic has withdrawn from the market the mouthguards depicted in the drawings attached as Exhibits 1 and 2.

8. Upon entering into a settlement agreement, the parties desire to convert the above referenced preliminary injunction into a permanent injunction and dismiss all pending causes of actions with prejudice.

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT :

A. XO Athletic, including its officers and directors, agents, servants, employees, attorneys, distributors, and all persons controlling, controlled by, or in active concert or participation with, through, or under them are hereby enjoined from the sale of the mouthguards depicted in the drawings attached as Exhibit 1 and 2 or any other products only colorably different from these mouthguards and any other acts with respect to said products that directly or indirectly infringe or induce or contribute to the infringement of any claim of the '832 patent.

B. Shock Doctor's claim against XO Athletic for tortious interference with and inducement of breach with respect to the employment agreement between Shock Doctor and its former employee Paul J. Andre is dismissed with prejudice.

C. XO Athletic's counterclaims of invalidity and unenforceability of the '832 patent are dismissed with prejudice.

D. This Court retains exclusive jurisdiction of this action for the purpose of insuring compliance with this Judgment and enforcement of the Settlement Agreement, *to and until December 31, 2009.*

E. No appeal shall be taken by any party from this Consent Judgment, the right to appeal being expressly waived by all parties. *June 3/16/09*

F. This Consent Judgment shall finally conclude and dispose of all claims and counterclaims of all parties with prejudice.

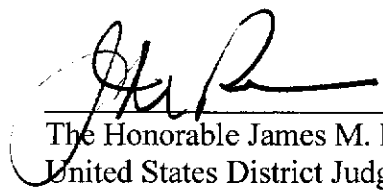
G. With the exception of Shock Doctor's outstanding request for costs relating to XO Athletic's Federal Circuit appeal, each party shall bear its own costs and attorney's fees.

H. This Consent Judgment shall be entered as the Final Judgment pursuant to Fed. R. Civ. P. 58 forthwith and without further notice.

The Clerk is directed to enter this final Consent Judgment as the Final Judgment forthwith.

IT IS SO ORDERED

Dated: *March 16, 2009*


The Honorable James M. Rosenbaum
United States District Judge

HEREBY STIPULATED AND AGREED TO:

Dated: March 13, 2009

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Dated: March 13, 2009

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